

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION; and BETSY DEVOS, in her
official capacity as Secretary of the United States
Department of Education,

Defendants.

Civil Action No. 1:20-cv-11600-LTS

FARAH NOERAND,

Plaintiff,

v.

BETSY DEVOS, in her official capacity as
Secretary of the United States Department of
Education, and THE UNITED STATES
DEPARTMENT OF EDUCATION,

Defendants.

Civil Action No. 1:20-cv-11271-LTS

JOINT STATUS REPORT

Pursuant to the Court's order of August 27, 2020 in the above-captioned cases, ECF # 9 and ECF #26, respectively, the parties submit this joint status report proposing a schedule for proceedings related to the Commonwealth's Motion for Preliminary Injunction, No. 20-cv-

11600, ECF # 3, and for any further proceedings or briefing related to the scope of the preliminary injunction in the *Noerand* action, No. 20-cv-11271, ECF #16.

Due to the similarity of the issues that the two cases present, in order to avoid duplicative and unnecessary briefing in these matters, and in the interest in judicial economy, the Commonwealth of Massachusetts, Farah Noerand, and the defendants in both matters hereby agree and propose that:

1. The parties will forego any further briefing on the Commonwealth's Motion for Preliminary Injunction, and the Court will recognize that defendants oppose the Motion on the same bases that they opposed the Motion for Preliminary Injunction in *Noerand*, No. 1:20-cv-11271-LTS, ECF #10.
2. The Commonwealth will waive any merits arguments in its Motion for Preliminary Injunction that go beyond the likelihood of success on the merits already decided by the Court in *Noerand*, No. 1:20-cv-11271-LTS, ECF #16.
3. The Commonwealth will waive any argument that nationwide relief is the appropriate remedy with respect to its Motion for Preliminary Injunction and requests only a statewide preliminary injunction.
4. Ms. Noerand withdraws, without prejudice, her request for statewide relief in her Motion for Preliminary Injunction, and no further briefing or decision will be required on that Motion.
5. The deadline for defendants to answer the complaint in *Noerand* will be extended indefinitely. Once the Court has entered an order on the Commonwealth's Motion for

Preliminary Injunction, the parties in both cases will confer as to a date by which an answer or motion to dismiss will be filed.

Date: August 28, 2020

Respectfully submitted,

MAURA HEALEY
Attorney General
Commonwealth of Massachusetts

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CERTIFICATE OF SERVICE

I, Abigail B. Taylor, counsel for Plaintiff Commonwealth of Massachusetts, hereby certify that this document has been filed on August 28, 2020, through the Court's ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Abigail B. Taylor

CERTIFICATE OF SERVICE

I, Rachel C. Hutchinson, counsel for Plaintiff Farah Noerand, hereby certify that this document has been filed on August 28, 2020, through the Court's ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Rachel C. Hutchinson